

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

DAVID E. MACK,

Plaintiff,

v.

NATIONWIDE CREDIT, INC.

Defendants.

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**Cause No. 4:12-CV-00305-RAS-
DBB**

DEFENDANT’S ANSWER AND AFFIRMATIVE DEFENSES

Defendant, Nationwide Credit, Inc. (NCI), through counsel and under the Federal Rules of Civil Procedure, submits this Answer and Affirmative Defenses to the Complaint filed by Plaintiff, David Mack (Plaintiff), and states:

JURISDICTION

1. Upon information and belief, NCI admits the allegations in ¶ 1.
2. NCI denies the allegations in ¶ 2.

PARTIES

3. Upon information and belief, NCI admits the allegations in ¶ 3.
4. NCI admits it has an office located at 2002 Summit Blvd., Atlanta, Georgia, 30319. NCI denies the remaining allegations in ¶ 4. Specifically, NCI denies it is an “unknown entity” to Plaintiff.

VENUE

5. Upon information and belief, NCI admits Plaintiff lives in Collin County, Texas. NCI denies the remaining allegations in ¶ 5 for lack of knowledge or information sufficient to form a belief therein.

6. Upon information and belief, NCI admits the allegations in ¶ 6.

GENERAL ALLEGATIONS

7. NCI denies the allegations in ¶ 7.

8. NCI denies the allegations in ¶ 8 for lack of knowledge or information sufficient to form a belief therein.

9. NCI denies the allegations in ¶ 9 for lack of knowledge or information sufficient to form a belief therein and as calling for a legal conclusion.

COUNT I
VIOLATION OF THE FAIR CREDIT REPORTING ACT (FCRA), 15 U.S.C. §
1681- WILLFUL NON-COMPLIANCE BY DEFENDANT
NATIONWIDE CREDIT, INC.

10. NCI reasserts the foregoing as if fully set forth herein.

11. NCI denies the allegations in ¶ 11 as calling for a legal conclusion.

12. NCI denies the allegations in ¶ 12 as calling for a legal conclusion.

13. NCI denies the allegations in ¶ 13 as calling for a legal conclusion.

14. The FCRA speaks for itself and is the best evidence of its contents. To the extent the allegations in ¶ 14 are inconsistent with the FCRA, they are denied.

15. NCI denies the allegations in ¶ 15 as calling for a legal conclusion.

16. NCI denies the allegations in ¶ 16.

17. NCI denies the allegations in ¶ 17.
18. NCI denies the allegations in ¶ 18.
19. NCI denies the allegations in ¶ 19.
20. NCI denies the allegations in ¶ 20.
21. NCI denies the allegations in ¶ 21.

COUNT II
VIOLATION OF THE FAIR CREDIT REPORTING ACT (FCRA), 15 U.S.C. §
1681- WILLFUL NON-COMPLIANCE BY DEFENDANT
NATIONWIDE CREDIT, INC.

22. NCI reasserts the foregoing as if fully set forth herein.
23. NCI denies the allegations in ¶ 23 as calling for a legal conclusion.
24. NCI denies the allegations in ¶ 24 as calling for a legal conclusion.
25. NCI denies the allegations in ¶ 25 as calling for a legal conclusion.
26. The FCRA speaks for itself and is the best evidence of its contents. To the extent the allegations in ¶ 26 are inconsistent with the FCRA, they are denied.
27. NCI denies the allegations in ¶ 27.
28. NCI denies the allegations in ¶ 28.
29. NCI denies the allegations in ¶ 29.

AFFIRMATIVE DEFENSES

1. One or more of the counts/grounds contained in the Complaint fail to state a claim against NCI upon which relief can be granted.
2. NCI denies any liability; however, regardless of liability, Plaintiff has suffered no actual damages as a result of NCI's purported violations.

3. One or more claims asserted by Plaintiff are barred by the statute of limitations, laches, estoppel, waiver and/or unclean hands.

4. Any harm suffered by Plaintiff was legally and proximately caused by persons or entities other than NCI that were beyond the control or supervision of NCI or for whom NCI was and is not responsible or liable.

5. Assuming Plaintiff suffered any damages, he has failed to mitigate his damages or take other reasonable steps to avoid or reduce his damages.

WHEREFORE, Defendant, Nationwide Credit, Inc., requests the Court dismiss this action with prejudice and grant it any other relief that the Court deems appropriate.

Respectfully Submitted,

/s/ Whitney L. White

Whitney L. White

State Bar No. 24075269

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Attorney for Defendant,

Nationwide Credit, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of June, 2012, a copy of the foregoing **Defendant's Answer and Affirmative Defenses** was electronically filed with the Clerk of the Court, United States District Court for the Eastern District of Texas, and served upon the following:

Via CM/RRR

David Mack
7720 McCallum Blvd #2099
Dallas, Texas 75252
Telephone: 972-735-9642

/s/ Whitney L. White

Whitney L. White